

Message Text

CONFIDENTIAL

PAGE 01 BERLIN 00439 121939 Z

73

ACTION EUR-25

INFO OCT-01 ADP-00 IO-12 CIAE-00 DODE-00 PM-09 INR-09 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12

NIC-01 ACDA-19 GAC-01 MBFR-03 NEA-10 SAJ-01 RSR-01

(ADP) W

----- 035393

R 121650 Z MAR 73
FM USMISSION BERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 1517
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USUN NEW YORK 241

C O N F I D E N T I A L BERLIN 0439

E. O. 11652: GDS
TAGS: PGOV, UN, WB, GE
SUBJECT: REGISTRATION OF SENAT- GDR ARRANGEMENTS WITH UN

REF: STATE 43305

1. WE WELCOME SUGGESTION THAT TALKING POINTS BE DEVELOPED ON CONTINGENCY BASIS TO DEAL WITH QUESTION OF REGISTRATION OF SENAT- GDR ARRANGEMENTS. WE WONDER, HOWEVER, WHETHER IT WOULD NOT BE USEFUL TO GIVE FURTHER THOUGHT TO QUESTION OF HOW WE SHOULD REACT TO EFFORT BY GDR TO REGISTER SENAT- GDR ARRANGEMENTS UNILATERALLY.

2. ON ONE HAND, IT IS TRUE, AS REFTEL POINTS OUT, THAT REGISTRATION DOES NOT GIVE AN AGREEMENT OR ITS PARTIES STATUS THEY WOULD NOT OTHERWISE HAVE HAD. THIS DOES NOT NECESSARILY INDICATE, HOWEVER, THAT WE SHOULD BE CONTENT WITH ONLY MILD RENEWED DISCLAIMER IN EVENT GDR TRIES TO REGISTER. ACCEPTANCE OF REGISTRATION AND PRINTING IN UN TREATY SERIES COULD AFTER-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERLIN 00439 121939 Z

WARDS BE CITED BY GDR AS EVIDENCE THAT UN SECRETARIAT, AND, BY IMPLICATION AT LEAST, ALL UN MEMBERS THAT DO NOT MAKE DISCLAIMERS, ACCEPT SENAT AS SEPARATE POLITICAL ENTITY CAPABLE OF CONCLUDING INTERNATIONAL AGREEMENTS.

3. WE DO NOT SUGGEST THAT THIS ISSUE SHOULD BE MADE INTO MAJOR TEST OF WILL BETWEEN ALLIES AND EITHER SOVIETS OR GDR, AND DEVELOPMENT OF COMMON CONTINGENCY POSITION CAN PROBABLY WAIT UNTIL WE HAVE SOLVED BASIC QUESTION OF HOW QA ITSELF IS TO BE REGISTERED. WE DO BELIEVE, HOWEVER, THAT IT IS SUFFICIENTLY SERIOUS FOR US TO CONSIDER PROPOSING AT APPROPRIATE TIME THAT THREE ALLIES MAKE JOINT DEMARCHE TO SECRETARIAT IN EVENT GDR SEEKS TO REGISTER ONE OF ITS ARRANGEMENTS WITH SENAT. ALLIES WOULD BE SUPPORTING LONG- ACCEPTED POSITIONS ON NATURE OF INTERNATIONAL AGREEMENTS AND STATUS OF WEST BERLIN UNDER INTERNATIONAL LAW. SECRETARIAT MIGHT THUS WELL BE WILLING TO INFORM GDR THAT IT COULD NOT REGISTER SUCH AN ARRANGEMENT, BUT SECRETARIAT IS UNLIKELY TO TAKE SUCH A POSITION UNLESS IT IS AWARE OF FIRM ALLIED SUPPORT. WE ASSUME IT WOULD BE POSSIBLE FOR USUN TO ARRANGE WITH OFFICE OF UN LEGAL ADVISER STAVROPOULOS THAT IT BE INFORMED OF ANY EFFORT BY GDR TO REGISTER ONE OF ITS ARRANGEMENTS WITH SENAT IN TIME FOR ALLIES TO MAKE THEIR VIEWS KNOWN. IF SECRETARIAT WERE NONE- THELESS TO REGISTER A SENAT- GDR ARRANGEMENT, ALLIES COULD THEN FOLLOW WITH DISCLAIMER AS TO EFFECT OF REGIS- TRATION AND RESTATE THEIR VIEW THAT SENAT DOES NOT HAVE INTERNATIONAL LEGAL PERSONALITY TO CONCLUDE AN INTERNATIONAL AGREEMENT. AS FIRST STEP, CONTINGENCY TALKING POINT B IN PARA 3 REFTEL MIGHT BE REVISED AS FOLLOWS: " IN THE EVENT THAT THE GDR WERE TO ATTEMPT TO REGISTER THESE AGREEMENTS, WE WOULD HAVE TO RESERVE OUR RIGHT TO PLACE OUR VIEW ON THE RECORD." KLEIN

CONFIDENTIAL

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WB
Control Number: n/a
Copy: SINGLE
Draft Date: 12 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BERLIN00439
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GDS
Errors: n/a
Film Number: n/a
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730325/aaaahmjm.tel
Line Count: 103
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 STATE 43305
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23-Jul-2001 by izenbei0>; APPROVED <22-Aug-2001 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 971119
Subject: REGISTRATION OF SENATE- GDR ARRANGEMENTS WITH UN
TAGS: PGOV, GE, UN
To: BONN
EUR
LONDON
MOSCOW
PARIS
SECSTATE WASHDC
USUN NEW YORK

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005